

### **REMARKS**

The Office Action of October 3, 2008 has been carefully reviewed and these remarks are responsive thereto. Further to the telephone conference with Examiner Brown on March 4, 2009, this paper is presented as a supplement to Applicants' "Response Amendment" filed January 30, 2009. Applicants incorporate herein by way of reference the remarks included in the Response Amendment.

Claims 1-14 and 21 were canceled previously in response to the Restriction Requirement mailed on July 11, 2008. Claims 31-38 have been added in the present paper. No new matter has been added. Claims 15-20 and 22-38 are presented for examination upon entry of the present paper. Reconsideration and allowance of the instant application are respectfully requested.

#### **New Claim(s)**

As per the telephone discussion with Examiner Brown on March 4, 2009, Applicants new claims include independent claims 34 and 37, which are each directed to an apparatus. Claims 34 and 37 generally parallel the independent method claims as further described below.

Claims 31-38 have been added in the present paper. While the referenced claims have not been subjected to examination to date, Applicants offer the following remarks in an effort to expedite the prosecution.

Claim 31 recites "wherein the providing of said second program guide information stream to said at least one information subscriber equipment is responsive to an input received from said at least one information subscriber equipment." Illustrative, non-limiting written description support for claim 31 can be found in the specification as filed when read as a whole, and for example, at page 57, lines 1-16. Claim 31, which depends from claim 15, is allowable for at least the same reasons as claim 15.

Claim 32 recites "wherein the second plurality of channels includes at least one channel different from the channels included in said first plurality of channels." Illustrative, non-limiting written description support for claim 32 can be found in the

specification as filed when read as a whole, and for example, at page 40, line 23 – page 41, line 14 and page 56, lines 18-32 and Figure 8B. Claim 32, which depends from claim 15, is allowable for at least the same reasons as claim 15 and further in view of the additional features recited therein. More specifically, U.S. patent no. 6,147,714 to Terasawa et al. (“Terasawa”) fails to disclose the above-noted features. In fact, Terasawa teaches away from such features because Terasawa describes the creation of an electronic program guide (EPG) that includes all (eighty) of the channels, irrespective of the select lines applied to the multiplexors that each select a channel included in the alleged program guide information streams. See Terasawa at col. 1, lines 15-26 (eighty channels), Figure 1 (muxes 304 each selecting a channel), col. 6, lines 43-57 and Figure 8 (program guide available for all channels), and col. 7, lines 1-54 and Figs. 11A-11B (all eighty channels (80ch) being received/displayed in conjunction with EPG2-EPG3). Accordingly, claim 32 is further allowable because Terasawa teaches away from at least the above-noted features.

Claim 33 recites, “determining that a user has sequenced beyond a threshold through a portion of the first plurality of channels as presented on said presentation device; and responsive to determining that the user has sequenced through the portion of the first plurality of channels, transmitting a request for a second program guide information stream.” Illustrative, non-limiting written description support for claim 33 can be found in the specification as filed when read as a whole, and for example, at page 66, line 15 – page 70, line 22 and Figures 15A-15B. Claim 33, which depends from claim 19, is allowable for at least the same reasons as claim 19 and further in view of the additional features recited therein.

As discussed above, Terasawa describes the creation of an EPG that includes all (eighty) of the channels, irrespective of the select lines applied to the multiplexors that each select a channel included in the alleged program guide information streams. As such, Terasawa also fails to disclose the above-noted features recited in claim 33 related to transmitting a request for a second program guide information stream responsive to determining that a user has sequenced through a portion of the first plurality of channels as presented on a presentation device beyond a threshold. Moreover, one of skill in the

art would not have had an apparent reason to modify Terasawa to include such a threshold when all of the channels are available for user sequencing in the EPG of Terasawa.

Notwithstanding whether U.S. patent no. 5,734,853 to Hendricks et al. (“Hendricks”) is properly combinable with Terasawa, Hendricks fails to remedy the deficiencies of Terasawa described above. As such, claim 33 is further allowable over the references of record for at least the foregoing reasons.

Independent claim 34 is directed to an apparatus that comprises a processor and memory storing instructions that, when executed by the processor, cause the apparatus to perform a series of steps similar to the steps of method claim 15. As such, claim 34 is allowable for similar reasons as claim 15. Illustrative, non-limiting written description support for claim 34 can be found in the specification as filed when read as a whole, and for example, at page 12, lines 15-31.

Claims 35 and 36 depend from claim 34, and are allowable for at least the same reasons as claim 34.

Independent claim 37 is directed to an apparatus that comprises a processor and memory storing instructions that, when executed by the processor, cause the apparatus to perform a series of steps similar to the steps of method claim 15. Claim 37 is allowable for similar reasons as claim 15.

Claim 38 depends from claim 37 and is allowable for at least the same reasons as claim 37.

**CONCLUSION**

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account 19-0733 in the appropriate amount.

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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Date: March 4, 2009

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